

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-CR-104-A
21-CR-31-A

JOSEPH BELLA,

Defendant.

SUPPLEMENTAL SENTENCING MEMORANDUM

The Factors Under § 3553(a) Support a Sentence at the High End of the Guidelines

Actions speak louder than words. The defendant's actions, as outlined in the factual basis of the revised Presentence Investigation Report (Dkt. 93) and in the government's initial sentencing memorandum (Dkt. 90), paint a clear picture for the Court. Arguably the most compelling factor for this Court to consider is the defendant's commission of the conduct underlying the Fraud Indictment (21-CR-31-A) while the defendant was already indicted for the Drug and Gun Indictment (20-CR-104-A) and on pre-trial release. The defendant brazenly engaged in this activity after the Court had taken a chance on him, releasing him despite the government's motion for detention.

Another compelling factor for the Court to consider is the fact that the defendant chose to steal money that was designated to assist people suffering from the pandemic. During the March 1, 2023, sentencing hearing, the defendant and his counsel repeatedly represented to this Court that the defendant was a person genuinely trying to assist others during the pandemic. That self-serving claim is directly contradicted by the defendant's conduct during the summer of 2020, when the defendant fraudulently obtained an Economic Injury Disaster Loan (EIDL) and diverted nearly \$150,000 away from legitimate businesses suffering the effects of the pandemic and into his own pockets. The guidelines do not take into account the aggravating nature of this conduct.

CONCLUSION

For the reasons set forth above, and in the government's sentencing memorandum (Dkt. 90) and in the revised Pre-Sentence Investigation Report (Dkt. 93), the Court should impose a sentence at the high end of the guidelines range.

DATED: Buffalo, New York, March 6, 2023.

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